

| | | |
|-------------------------------|-------------------------------|--------------------|
| Notice of Allowability | Application No. | Applicant(s) |
| | 10/782,023 | FINDLEY, THOMAS A. |
| | Examiner Nicholas D. Rosen | Art Unit 3625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to the amendment of July 31, 2006.
- The allowed claim(s) is/are 9-12.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - All
 - Some*
 - None
 of the:
 - Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - hereto or 2) to Paper No./Mail Date _____.
 - including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- Notice of Informal Patent Application
- Interview Summary (PTO-413),
Paper No./Mail Date _____.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other _____.

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 9-12 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Jonathan Small on September 7, 2006.

The application has been amended as follows:

Claims 4-8 are hereby cancelled without prejudice or disclaimer.

Claim 9 is hereby amended to read as follows:

"A method for selectively blocking a remote purchase request in which a purchaser attempts to use a card number to make a remote purchase, comprising:

providing a memory subsystem for receiving and storing information from a purchase request information set including an origin of the purchase request representing either a telephone number or an internet address, a card number, a requested item identification, a number of requested items, and a cost of purchase;

receiving and storing in said memory a current remote purchase request information set;

providing a logic subsystem;

determining, in said logic subsystem, whether the total cost of purchases in remote purchase requests within a set time period prior to the remote purchase request exceeds a preset threshold total cost of purchases; and

if the total cost of purchases from the origin within the set time period prior to the remote purchase request exceeds the preset threshold total cost of purchases, blocking the remote purchase request; or else

if the total cost of purchases from the origin within the set time period prior to the remote purchase request does not exceed the preset threshold total cost of purchases, either approving the remote purchase to be made, or performing other tests to determine whether the remote purchase request is to be approved or blocked."

Allowable Subject Matter

Claims 9-12 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, McAllister (U.S. Patent 5,513,250) discloses a subscriber establishing a dollar limit on purchases and a time frame, so that determination is made whether a total cost of purchases exceed a preset threshold, but the purchases in McAllister are made in stores by swiping a card through a point-of-sale device, rather than being remote purchase requests, so no origin involving a telephone number or internet address is involved. Also, the preset threshold is associated with total use of the credit card, or with use within a city, county, zip code area, etc., rather than a particular origin. Tetro et al. (U.S. Patent 6,095,413) disclose confirming the address of

a user attempting to make credit card purchases from a remote origin, and Perlman (U.S. Patent 5,862,220) discloses verifying a network address, but without any teaching of determining whether the total cost of purchases in remote purchase requests from the origin within a set time period prior to the remote purchase request exceeds a preset threshold total cost of purchases. It is of course well known to be block purchases by credit card users who have exceeded their credit limits, and to be alert to patterns of suspicious attempted purchases, but these no not constitute meeting the specific limitations of claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAllister (U.S. Patent 5,513,250) discloses a telephone based credit card protection. Hughes et al. (U.S. Patent 5,754,655) disclose a system for remote purchase payment and remote bill payment transactions.

Amarant et al. (EP 0 540 234 A2) disclose monitoring of charges debited to an account having an assigned limit.

The anonymous article, "Pearl Jam Tour Set for Merriweather, without Ticketmaster," discloses blocking further purchases within a class of items (tickets to a

concert) from a particular origin (telephone number) after a threshold number have been purchased.

The following prior art, also considered pertinent, was made of record in parent cases:

Michels et al. (U.S. Patent 3,719,927) disclose a credit control system. Hatton (U.S. Patent 3,854,007) disclose a control system bidirectional interface. Veeneman et al. (U.S. Patent 5,243,174) disclose a method and apparatus for generating gift certificates. Kozik et al. (U.S. Patent 5,309,501) disclose an arrangement for detecting fraudulently identified mobile stations in a cellular mobile telecommunications network. Penzias (U.S. Patent 5,311,594) discloses fraud protection for card transactions. Matchett et al. (U.S. Patent 5,335,278) disclose a fraud prevention system and method for cellular mobile telephone networks. Rudokas et al. (U.S. Patent 5,420,910) disclose a method and apparatus for fraud control in cellular telephone systems utilizing RF signature comparison. Bickham et al. (U.S. Patent 5,530,438) disclose a method of providing an alert of a financial transaction. Rudokas et al. (U.S. Patent 5,555,551) disclose a method and apparatus for fraud control in cellular telephone systems. Reed et al. (U.S. Patent 5,566,234) disclose a method for controlling fraudulent telephone calls. Rosenblatt et al. (U.S. Patent 5,606,604) disclose a system and method of preventing fraud upon PBX's. Wong (U.S. Patent 5,615,110) discloses a security system for non-cash transactions. Hogan et al. (U.S. Patent 5,638,430) disclose a call validation system. Rogers (U.S. Patent 5,652,786) discloses an automated interactive bill payment system. Houvener (U.S. Patent 5,657,389) discloses positive identification

system and method. Gifford (U.S. Patent 5,724,424) discloses digital active advertising. Odom (U.S. Patent 5,781,632) discloses a method and apparatus for secured transmission of confidential data over an unsecured network. Perlman (U.S. Patent 5,862,220) discloses a method and apparatus for using network address information to improve the performance of network transactions. Anderson et al. (U.S. Patent 5,884,289) disclose a debit card fraud detection and control system. Talati et al. (U.S. Patent 5,903,878) disclose a method and apparatus for electronic commerce. Katz (U.S. Patent 5,917,893) discloses a multiple format telephonic interface system. Rowney et al. (U.S. Patent 5,996,076 disclose a system, method and article of manufacture for secure digital certification of electronic commerce. Arent (U.S. Patent 6,018,724) discloses a method and apparatus for authenticating on-line transaction data. Pettitt (U.S. Patent 6,029,154) discloses a method and system for detecting fraud in a credit card transaction over the Internet. Sehr (U.S. Patent 6,085,976) discloses a travel system and methods using multi-application passenger cards. Zimmerman et al. (U.S. Patent 6,092,057) disclose an unattended POS system for automatic control of bank system rejections. Tetro et al. (U.S. Patent 6,095,413) disclose a system and method for enhanced fraud detection in automated electronic credit card processing. Geiselman et al. (U.S. Patent 6,466,780) disclose a method and apparatus for securing digital communications. Joao et al. (U.S. Patent 6,529,725) disclose a transaction security apparatus and method.

Shedd et al. (U.S. Patent Application Publication 2002/0035543) disclose a system and method for detecting high credit risk customers.

Nakatsuji (Japanese Published Patent Application 07-262455A) discloses a transaction processing system.

Schwartz et al. ("50 Simple Precautions Help Retailers Protect against Credit Card Fraud") disclose maintaining a negative file of known fraudulent names and addresses. Schwartz et al. ("Surviving the Chargeback Rules") disclose precautions for avoiding fraud in remote purchases. Borenstein ("Perils and Pitfalls of Practical Cybercommerce") discloses, *inter alia*, authenticating users. The anonymous article, "CyberSource and Paymentech Join Forces to Provide Robust Payment Capability and Attack Credit Card Fraud," discloses scoring attempted purchases for fraud potential.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

September 8, 2006